

REMARKS

By this amendment, claim 1 is amended to place this application in condition for allowance. Currently, claims 1-21 are before the Examiner for consideration on their merits.

Applicants wish to again acknowledge the indicated allowability of claims 7-21.

In the Office Action, the Examiner withdrew the previous rejection, and made a new rejection under 35 U.S.C. § 112, second paragraph. In the new rejection, claims 1-6 stand rejected again for indefiniteness. More particularly, the Examiner alleges that the claim language "directed by prior magnetization along an inductive electromagnetic field thereby generating an anisotropic medium" is unclear and vague.

Applicant contends that the phrase is not indefinite when applying the test outlined in *In re Moore*, 169 USPQ 236 (CCPA 1971). *Moore* requires that the claims be viewed for definiteness in light of the specification, the prior art, and that which is known to those of skill in the art. The specification clearly describes generating an anisotropic medium by directing the conductive particles using an induced electromagnetic field, see page 1, lines 28-36, page 2, lines 1-5, page 7, lines 15-18. One of skill in the art readily knows the meaning of "anisotropic medium" as well as orienting magnetic particles using an electromagnet. Therefore, describing the particles as being directed via the use of an induced electromagnetic field to generate an anisotropic medium is not vague and indefinite.

Nevertheless, claim 1 is revised to clarify how the particle are directed so as to generate the anisotropic medium, and this language is clear and understandable. In other words, the language of claim 1, as amended, falls within the purview of 35 U.S.C. § 112, second paragraph, and is fully definite. Accordingly, the rejection as applied to claims 1-6 is improper and should be withdrawn.

Since the indefiniteness issues is the only issue remaining in this case, its resolution places the application in condition for allowance.

Thus, the Examiner should examine this application and promptly pass claims 1-21 onto issuance.

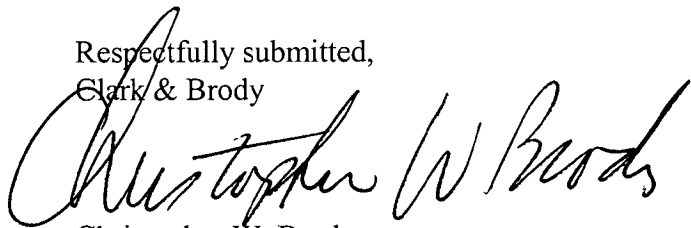
The Examiner is also requested to telephone the undersigned if any other issues still exist so that this patent application can be expeditiously allowed.

The above is a complete response to all issues raised in the outstanding Office Action of December 8, 2003.

A petition for a one month extension of time under 37 CFR § 1.136(a) is hereby made. A check in the amount of \$55.00 is enclosed to cover the petition fee. Please charge any shortage in fees due in connection with the filing of this paper, including additional extension of times fees to deposit account number 50-1088 and please credit any excess fees to such account.

Again, reconsideration and allowance of this application is respectfully solicited.

Respectfully submitted,
Clark & Brody

A handwritten signature in black ink, appearing to read "Christopher W. Brody". The signature is fluid and cursive, with the first name "Christopher" being the most prominent part.

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Japanese Language Declaration

(日本語宣言書)

委任状： 私は、下記の発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。(弁護士、または代理人の氏名及び登録番号を明記のこと)

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